

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 02-CR-80758

vs.

HON. GEORGE CARAM STEEH

MICHAEL RYAN BAILER,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO VACATE SENTENCE UNDER
28 U.S.C. 2255 AND DENYING CERTIFICATE OF APPEALABILITY [DOC. 44]

Defendant has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, arguing that he was improperly sentenced under the Sentencing Guidelines. A motion to vacate sentence must be brought within one year of the date on which a judgment of conviction becomes final. 28 U.S.C. 2255(f)(1). Defendant's conviction became final on October 18, 2010, 14 days after the court entered judgment, due to the fact that he did not appeal the judgment. See Sanchez-Castellano v. United States, 358 F.3d 424, 426 (6th Cir. 2004). Defendant filed his motion on February 21, 2012, four months too late. Now, therefore,

IT IS HEREBY ORDERED that defendant's motion to vacate pursuant to 28 U.S.C. § 2255 is DENIED.

Dated: May 31, 2012

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 31, 2012, by electronic and/or ordinary mail and also to Michael Ryan Bailer at FCI Terre Haute, P.O. Box 33, Terre Haute, IN 47808-0033.

S/Josephine Chaffee
Deputy Clerk